



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 26, 1991

Ms. Nancy K. Matchus
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR91-109

Dear Ms. Matchus:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10951.

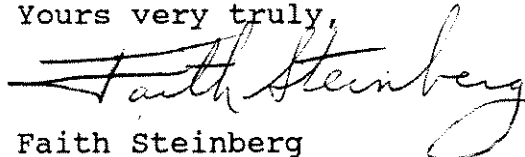
We have considered the exception you claim, 3(a)(11) specifically, and have reviewed the documents at issue. You contend that section 3(a)(11)'s protection of advice, opinions, and recommendations relating to an agency's decision process excepts from disclosure interview sheets containing questions asked prospective hirees and the candidates responses; ranking sheets used in the evaluation of the candidates; and completed "Recommendation to Hire" sheets which are completed question and answer forms used in the hiring process. Section 3(a)(11) does not protect factual material from disclosure unless severing such portions from protected information would be impractical. Austin v. City of San Antonio, 630 S.W.2d 391 (Tex. App. -- San Antonio 1982, writ ref'd n.r.e.); Open Records Decision No. 350 (1985).

Accordingly, we find that you may withhold the Recommendation to Hire sheets in their entirety, as they disclose the author's opinion and recommendation of a particular candidate. You may also withhold the rank given to each applicant on the forms designated in Exhibit D, but you must disclose the ranking criteria on the forms. These are not advice, opinion, or recommendation. Likewise, the questions and candidate responses on the documents in Exhibit C do not contain advice, opinion, or recommendation, and must be disclosed. You state that these documents sometimes contain the impressions and opinions of the interviewer; you may sever and withhold such comments if they are present, but we note that we did not find any in the material presented to

us. You state in your letter that the information in Exhibit C is protected because it is "used by the City to evaluate prospective candidates and to assist the City officials in filling vacancies." We must stress that it is the evaluation, and not the material evaluated or evaluation standards, that section 3(a)(11) excepts from disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-109.

Yours very truly,

A handwritten signature in cursive script, reading "Faith Steinberg". The signature is written in dark ink and is positioned above the typed name and title.

Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/lcd

Ref.: ID# 10951

Enclosure: Open Records Decision No. 350

cc: Debra Ann Guerrero
AFSCME, Local 1624
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